

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES LEE TEXTER,	:	CIVIL ACTION NO. 1:04-CV-0173
	:	
Plaintiff	:	(CONSOLIDATED)
v.	:	
	:	(Judge Conner)
TODD MERLINA, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 29th day of February, 2008, upon consideration of the trial exhibits submitted by plaintiff,¹ and it appearing that plaintiff has identified forty-three photographs (Ex. B), and that many of these photographs present cumulative evidence,² and the court finding that the probative value of the photographs identified as Exhibits B-3, B-4, B-6, B-8, B-9, B-09, B-11, B-12, B-13, B-14, B-17, B-18, B-22, B-26, B-27, B-28, B-30, B-35, B-37, B-38, B-40, B-41, B-42, B-45, B-48, B-49, and B-51 is “substantially outweighed . . . by considerations of undue delay, waste of time, or needless presentation of cumulative evidence,” see FED. R. EVID. 403, and that the photograph of the envelope from the hospital, identified as Exhibit B-Env, is irrelevant to the remaining claims, see id. 402, it is hereby ORDERED that

¹ The order of court dated February 11, 2008 (Doc. 146) directed plaintiff to submit his trial exhibits by February 28, 2008.

² The photographs include eight of plaintiff’s face, seven of plaintiff’s right leg and ankle, four of plaintiff’s right hand, seven of plaintiff’s left hand, three of plaintiff’s right foot with a splint, ten of plaintiff’s shoe and brace, two of blood on plaintiff’s shirt, one of plaintiff at the hospital, and one of an envelope from the hospital. (See Ex. B.)

plaintiff is precluded from presenting at trial the photographs identified as Exhibits B-3, B-4, B-6, B-8, B-9, B-09, B-11, B-12, B-13, B-14, B-17, B-18, B-22, B-26, B-27, B-28, B-30, B-35, B-37, B-38, B-40, B-41, B-42, B-45, B-48, B-49, B-51, and B-Env.³

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

³ This ruling should not be construed as any indication of the court's view on the admissibility of the other trial exhibits submitted by plaintiff.